

STATE OF MICHIGAN  
COURT OF APPEALS

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VILLAGE OF SAND LAKE and KIRK  
THIELKE,

UNPUBLISHED  
May 26, 2010

Plaintiffs-Appellants,

v

TOWNSHIP OF NELSON and NELSON  
TOWNSHIP CLERK,

No. 297412  
Kent Circuit Court  
LC No. 10-000601-CZ

Defendants-Appellees.

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Before: MURPHY, C.J., and BANDSTRA and MARKEY, JJ.

PER CURIAM.

This action involves defendant clerk's certification of a petition seeking to place on the August 3, 2010, primary ballot the question whether the incorporation of plaintiff village should be vacated. Plaintiffs appeal by right an order of the circuit court, which granted summary disposition in favor of defendants, and summarily dismissed plaintiffs' challenge to the clarity and accuracy of the petition language. We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

This Court reviews de novo a decision of the trial court to grant summary disposition, *Roberts v Mecosta Co Gen Hosp*, 466 Mich 57, 62; 642 NW2d 663 (2002), as it does questions of statutory construction, *City of Romulus v Dep't of Environmental Quality*, 260 Mich App 54, 64; 678 NW2d 444 (2003), and questions whether election petitions comport with the applicable statutory requirements, *Bloomfield Charter Twp v Oakland Co Clerk*, 253 Mich App 1, 18; 654 NW2d 610 (2002).

MCL 74.18a empowers the registered electors of a village to place on the ballot the question whether their village should be disincorporated and devolved into the township or townships in which the village is located. The requirements for placing such a question on the ballot are as follows:

(1) To initiate the disincorporation of a village, a petition signed by not less than 15% of the registered electors of the village requesting a vote on the question of whether the village shall disincorporate shall be filed with the township clerk.

(2) A petition shall designate the township or townships into which the village is proposed to be disincorporated. A village shall be disincorporated into the township or townships in which it is located, along existing township boundaries.

MCL 74.18a(4) charges the township clerk with verifying the petition signatures and determining the sufficiency of the petition.

In the present matter, several registered electors of plaintiff village filed with defendant clerk petitions seeking the disincorporation of the village. Each petition identifies the purpose of the petition in the following manner: “We, the undersigned qualified and registered electors, residents in the Village of Sand Lake, in the County of Kent, State of Michigan, respectfully petition for the disincorporation of the village; thereby transferring all of its usages to the Township of Nelson.” Defendant clerk verified the signatures, determined that the petitions were sufficient to allow the question of disincorporation to be placed on the August ballot, and certified the disincorporation question for inclusion on that ballot.

Plaintiffs thereafter commenced this action, seeking a declaration that the petition language is insufficient, as a matter of law, to allow the disincorporation question to be placed on the ballot, an injunction barring defendants from taking any further action in support of the submission of the disincorporation question to the electorate for a vote, and the issuance of a writ of mandamus directing the Clerk to revoke her sufficiency determination. Plaintiffs argued that the petition language did not fairly and accurately present the question to be decided because the language indicated that all elements of the village’s governance would be assumed by defendant township upon the disincorporation of the village, a proposition which plaintiffs assert is untrue. The trial court granted summary disposition in favor of defendants after determining that plaintiffs lacked standing to challenge the actions of the clerk, and that the petition was sufficient, as a matter of law, because the petition language satisfied the requirements of MCL 74.18a(1) and (2).

Plaintiffs argue that the trial court erred when it found that they lacked the requisite injury in fact to confer standing upon them to challenge the sufficiency of the petition. We find it unnecessary to consider the merits of this argument. Even if plaintiffs are correct and they do have standing, they are not entitled to relief on appeal. The trial court correctly determined that the petition language is sufficient, as a matter of law, to allow the question of village disincorporation to appear on the August 2010 ballot. In reaching this conclusion, we take guidance from the language of MCL 74.18a, as well as from appellate decisions addressing the sufficiency of the language contained in other types of petitions used to place questions on the ballot.

MCL 74.18a identifies only two requirements for the contents of a petition seeking disincorporation. First, subparagraph (1) of the statute provides that the petition “request[] a vote on the question whether the village shall disincorporate[.]” MCL 74.18a(1). Second, subparagraph (2) provides that the “petition shall designate the township or townships into which the village is proposed to be disincorporated.” MCL 74.18a(2). The petition language at issue both requests the disincorporation of the village and designates defendant Township as the township into which the village will devolve. Although plaintiffs correctly observe that the petition language does contain some phraseology that is potentially confusing, the mere

existence of such phraseology, in-and-of-itself, does not require a conclusion that the petition is insufficient. The presence of some confusing language will not doom a petition if, when the petition language is read as a whole, the language presents with sufficiency clarity such that those signing the petition can be assumed to have understood to what they were appending their signatures. *Bloomfield Charter Twp*, 253 Mich App at 24; *Mastin v Oakland Co Elections Comm*, 128 Mich App 789, 799-800; 341 NW2d 797 (1983); see also, *Meridian Charter Twp v Ingham Co Clerk*, 285 Mich App 581, 600-601; 777 NW2d 452 (2009) (the Ingham County Clerk did not erroneously certify ballot language, even though the language contained some potentially confusing language, where the ballot language certified, when read in its entirety, was sufficient to apprise the voters of the subject matter of the proposal). We find that, when the petition language is read as a whole, those individuals that signed the petitions at issue can be assumed to have understood that they were appending their signatures to a petition calling for the disincorporation of the village. The language identifies in clear terms the statutorily-required objectives of an effective disincorporation petition: the disincorporation of plaintiff village and the devolving of the village into the Township – in addition to any other representations the language may make. The petition language satisfies MCL 74.18a(1) and (2) and, therefore, defendant clerk correctly determined the petition to be sufficient. To the extent that the language potentially misrepresents some of the consequences of the disincorporation, the exact nature and extent of those consequences presents a political question much like the accuracy of allegations advanced against an elected official in a recall petition. Compare *Meyers v Patchkowski*, 216 Mich App 513; 549 NW2d 602 (1996). Political questions are for the voters to resolve following a campaign, during which both the proponents and opponents of the proposal seek to educate the voters on purported consequences of an approval of the proposal. Further, all doubts with respect to technical deficiencies are generally resolved in favor of permitting the people to vote and express their will on proposals subject to election. *Bloomfield Charter Twp*, 253 Mich App at 21. For these reasons, the trial court correctly granted summary disposition.

Affirmed.

/s/ William B. Murphy  
/s/ Richard A. Bandstra  
/s/ Jane E. Markey